



The Southern Region Review



September 2010, Region 4 Edition

The Deputy Assistant Secretary of the Army's (Environment, Safety and Occupational Health) Office of Regional Environmental and Government Affairs-Southern (OREGA-S) produces this publication to provide current information in regard to environmental actions and events throughout Federal EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). Events chosen may be relevant to U.S. Army and other Military Services' activities and operations. The Review is designed to alert environmental decision makers, planners, and program managers of developments potentially relevant to overall responsibilities.

The Southern Region Review is a monthly electronic publication. To receive this publication, please email the request to rebecca.shanks@us.army.mil. Please include a contact name and email address in the body of the message.

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Hot Topics

REGION 4 EPA ADMINISTRATOR (09/01/10, PRESS RELEASE) US Environmental Protection Agency Administrator Lisa P. Jackson announced President Barack Obama's selection of Gwen Keyes Fleming as the Agency's Regional Administrator for EPA's Region 4. This region encompasses Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and six Tribal Nations.

"I look forward to working closely with Gwen Keyes Fleming on the many urgent environmental issues we face throughout the country, and especially along Region 4's Gulf Coast," EPA Administrator Lisa P. Jackson said. "Gwen is coming on at an exceptionally challenging time. I'm thrilled to have Gwen as part of our leadership team at EPA. She will certainly play an instrumental role in protecting the health and environment of all those living in the region."

Regional Administrators are responsible for managing the Agency's regional activities under the direction of the EPA Administrator. They promote state and local environmental protection efforts and serve as a liaison to state and local government officials. Regional Administrators are tasked with ensuring EPA's efforts to address the environmental crises of today are rooted in three fundamental values: science-based policies and programs, adherence to the rule of law, and transparency.

Gwen Keyes Fleming has more than 15 years experience as both a prosecutor and administrator, serving as the District Attorney for the past five years in Georgia's Stone Mountain Judicial Circuit, which encompasses all of DeKalb County. She is the first African-American and the first woman to have held the District Attorney position. As District Attorney, she manages more than 165 employees, handling 13,000 felony cases each year with an annual budget of more than \$12 million. In addition, Keyes Fleming has instituted several successful community outreach programs related to crime prevention on behalf of young women and children, working with vulnerable adults and at-risk communities. Prior to serving as District Attorney, she served as the elected Solicitor-General handling misdemeanor crimes and implemented numerous domestic violence prevention initiatives, which successfully decreased the rate of domestic violence deaths in the county. Keyes Fleming obtained her B.S. in Finance from Rutgers University and her Juris Doctorate from the Emory University School of Law. She has received numerous awards, including the Emory Law's Distinguished Alumni Award, Georgia Association of Black Women Attorneys Leah Ward Sears Award for Distinction in the Profession in 2010, Atlanta's Top 100 Black Women of Influence in 1999, 2007, 2008, 2009 and 2010, and the Women in the NAACP Award in 2010.

Conferences and Training

VARIOUS DATES AND LOCATIONS: [USACE 2010 PROSPECT TRAINING](#). The PROSPECT Program provides job-related training through technical, professional, managerial and leadership courses to meet the needs of USACE and other government agencies. The catalog for the PROSPECT Program, the Purple Book, lists over 200 supporting the missions of USACE. Courses are available to federal, state or local government employees. Contact: Sandi Zebrowski, USACE, (402) 697-2562

VARIOUS DATES AND LOCATIONS THROUGHOUT NC: [CONTINUING EDUCATION ENVIRONMENTAL, SAFETY & HEALTH WORKSHOPS](#). NC State University offers various environmental courses, to include HAZWOPPER, Hazardous Waste Management, Hazardous Materials Transportation, and more.

VARIOUS DATES AND TIMES ONLINE: [NPDES TRAINING COURSES AND WORKSHOPS](#). Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program; designed for permit writers, dischargers, USEPA officials, and other interested parties.

VARIOUS DATES AND TIMES ONLINE: [INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) INTERNET BASED TRAINING](#). ITRC is a state-led coalition working together with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division (TIFSD), ITRC delivers training courses via the Internet to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

VARIOUS DATES AND TIMES: [EPA RCRA TRAINING](#). RCRA-related online courses, seminars, webinars, podcasts, and videos are posted throughout USEPA's waste website. Introductory and advanced courses are included for federal and state

regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations and implementation.

ANYTIME ONLINE: [EPA WATERSHED ACADEMY](#). The website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in time to complete, from 1/2 hour to 2 hours.

ANYTIME ONLINE: [EPA RESOURCE CONSERVATION CHALLENGE ACADEMY](#). The academy series provides information to materials management stakeholders through webinars related to EPA's Resource Conservation Challenge. Learn about key issues, successful projects, and a variety of best management practices for creating stellar waste management programs.

ANYTIME ONLINE: [EPA REDUCES RUNOFF VIDEO](#). Online video highlights green building techniques (rain gardens, green roofs, etc.) to help manage stormwater runoff.

ANYTIME ONLINE: [DEFENSE ACQUISITION UNIVERSITY \(DAU\)](#). DAU developed on-line resources available for the DoD AT&L workforce, industry partners, and other federal, state, and local government organizations. The on-line resources provide the ability to apply for a course, take a continuous learning module for continuous learning credit, research policy and other documents, link to related learning and knowledge content, ask a professor a question, contribute knowledge objects (such as lessons learned, best practices, templates, or samples), or collaborate with peers on work issues.

ANYTIME ONLINE: [DOILEARN](#). DOI Learn houses natural resource courses and training offered by all organizations within the Department of Interior, to include the National Park System, Fish and Wildlife Service, Bureau of Land Management, etc.

ANYTIME ONLINE: [GOLEARN](#). GoLearn provides government employees and military personnel with web-based learning and development courses, and other products and services. Site registration is required, including a nominal fee for federal users.

ANYTIME ONLINE: [ARMY PODCAST SERVICE](#). The Army offers free podcasts on a wide variety of topics, including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. It is not necessary to own an ipod in order to view or listen to a podcast.

SEPTEMBER 22-24, BURNS, TN: [TENNESSEE POLLUTION PREVENTION CONFERENCE](#). TDEC is helping all citizens do their part for our shared environment through the Tennessee Pollution Prevention Partnership (TP3). This network of Tennessee households, schools, government agencies, organizations, businesses, and industries demonstrates that pollution prevention protects the environment, saves money, and improves communities.

SEPTEMBER 29, WINTERHAVEN, FL: [2010 GOVERNMENT/STORAGE TANK INDUSTRY CONFERENCE](#). This is a one-day conference on storage tank management and proposed changes to FLDEP's UST and AST rules.

SEPTEMBER 29-30, ATLANTA, GA: [GREEN INITIATIVES CONFERENCE](#). The conference is the perfect forum for professionals to learn from each other and discuss the way forward with regard to the latest trends in sustainability.

OCTOBER 2-6, NEW ORLEANS, LA: [WATER ENVIRONMENT FEDERATION'S ANNUAL TECHNICAL EXHIBITION AND CONFERENCE](#). WEFTEC offers water quality professionals from around the world with the best water quality education and training available today. Also recognized as the largest annual water quality exhibition in the world, the expansive show floor provides unparalleled access to the most cutting-edge technologies in the field, serves as a forum for domestic and international business opportunities, and promotes invaluable peer-to-peer networking between its more than 20,000 attendees.

OCTOBER 5-7, WASHINGTON, DC: [GREENGOV](#). The symposium is focused on the performance goals set by President Obama in EO 13514 on Federal Leadership in Environmental, Energy, and Economic Performance signed on 10/05/09. The EO commits federal agencies to set GHG reduction targets, increase energy efficiency, reduce fleet petroleum consumption, conserve water, reduce waste, support sustainable communities and leverage Federal purchasing power to promote environmentally-responsible products and technologies. Topics covered at the 2010 GreenGov Symposium will include clean energy, water efficiency, getting to zero waste, greening the supply chain and sustainable communities.

OCTOBER 15, WEST PALM BEACH, FL: [19TH ANNUAL SOUTH FLORIDA STATE CONFERENCE](#). This is a one-day conference

on storage tank management and proposed changes to FLDEP's UST and AST rules.

OCTOBER 19-20, WASHINGTON DC: [CLEAN DIESEL 10 CONFERENCE](#). EPA's National Clean Diesel Campaign in Partnership with the Diesel Technology Forum, Environmental Defense Fund, Manufacturers of Emission Controls Association, the Natural Resources Defense Council, National Association of Clean Air Agencies, Union of Concerned Scientists, and others are hosting this two-day event to recognize contributions, create networking opportunities and plan.

OCTOBER 21-23, PHILADELPHIA, PA: [WORLD GREEN ENERGY SYMPOSIUM](#). Topics include current policy information, new policy ideas and world policy views. It will focus on green technology options available and already succeeding. The symposium provides opportunities for networking, learning, exchanging, exhibiting and investing in the future of the new energy and green technology. It provides the opportunity for businesses from around the world to showcase products to an enthusiastic and forward thinking audience at the tallest, greenest building in the US.

OCTOBER 26-29, OSAGE BEACH, MO: [37TH ANNUAL NATURAL AREAS CONFERENCE: CONNECTING FOR THE FUTURE ACROSS GENERATIONS AND DISCIPLINES](#). This national conference will bring together natural resources professionals, students and volunteers in a forum that provides practical, land management focused information. The conference program will connect new tools, places, and faces amongst a diverse audience of land managers, university faculty and students, researchers, planners, and administrators from throughout the nation who are involved with the conservation and management of natural communities.

NOVEMBER 1-4, WASHINGTON, DC: [2010 NATIONAL TRAINING CONFERENCE ON THE TOXICS RELEASE INVENTORY \(TRI\) AND ENVIRONMENTAL CONDITIONS IN COMMUNITIES](#). Visit website for further information.

NOVEMBER 2-4, ST. AUGUSTINE, FL: [2010 SAME SOUTH ATLANTIC/SOUTH CENTRAL REGIONAL CONFERENCE](#). The conference will provide attendees with the opportunity to discuss trends, gather information and network. By participating, you will: network with hundreds of engineering, architectural and environmental professionals; introduce new ideas, services or products; network with potential new clients; and renew relationships.

NOVEMBER 3, COLUMBIA, SC: [2010 SCDHEC ENVIRONMENTAL ASSISTANCE CONFERENCE](#): The agenda is being finalized, and topics may be added. Confirmed topics include common problems seen during routine inspections; GHG rules; hazardous waste and industrial waste; industrial stormwater, to include discussions of compliance and the new general permit; and permitting topics. Visit the website for further information.

NOVEMBER 8-9, WASHINGTON, DC: [ACCO CLIMATE CHANGE LEADERSHIP SUMMIT & GALA](#). Sponsored by the Association of Climate Change Officers (ACCO), this presentation is part of the Climate Change Leadership Series. The focus of the program is to learn how federal agencies, sub-national leaders, industry and academia are addressing climate change, from GHG emissions related to operations, to the impacts of climate change and related business/market/political forces on operations and jurisdictions.

NOVEMBER 8-10, WASHINGTON, DC: [INTERNATIONAL DEFENSE ENERGY & FUEL SECURITY \(IDEFS\)](#). IDEFS 2010 brings together the international military community to discuss the challenges they face in reducing operational energy and fuel consumption. It is a forum for military, integrators and emerging tech companies to explore the innovations coming through the pipeline and how they can be directly applied for military use.

NOVEMBER 13-17, GALVESTON, TX: [5TH NATIONAL CONFERENCE ON COASTAL AND ESTUARINE HABITAT RESTORATION](#). The theme of the conference is "Preparing for Climate Change: Science, Practice, and Policy."

NOVEMBER 29-DECEMBER 2, ORLANDO, FL: [27TH ARMY SCIENCE CONFERENCE](#). The goals of conference are to enable Army and DoD leaders, Congress and the public to understand the scope of the Army's science and technology (S&T) activities in support of the Army and the Nation, and to strategically communicate the S&T community's efforts to rapidly develop technologies that will enhance the capabilities of the Current Force while enabling the Future Force.

NOVEMBER 30-DECEMBER 2, WASHINGTON, DC: [SERDP AND ESTCP ANNUAL TECHNICAL SYMPOSIUM AND WORKSHOP](#): The event is sponsored by the Strategic Environmental Research and Development Program (SERDP), DoD's environmental science and technology program, and the Environmental Security Technology Certification Program (ESTCP), DoD's environmental technology demonstration and validation program. Attendees will have numerous opportunities to network with approximately 1,100 environmental professionals from the defense user and regulatory communities. The comprehensive technical program will feature 14 technical sessions and 3 short courses. Technical sessions will highlight research and innovative technologies that assist DoD in addressing environmental and mission sustainability challenges.

Short courses will provide training opportunities on select technologies and methods in environmental restoration and munitions response. All poster abstracts are due 07/30/10. The hotel room block and a preliminary agenda are also available. Symposium registration will be available no later than 07/21/10. If you have questions, please e-mail partners@hgl.com or call the Symposium contact line at 703-736-4548.

DECEMBER 8-10, WASHINGTON, DC: [33RD WORLD ENERGY ENGINEERING CONFERENCE](#). Tracks include energy efficiency and energy management; renewable, green and alternative energy; HVAC systems and control; solar and fuel cell technologies; and applications specific to federal energy management programs. Includes FEMWorks 2010, a comprehensive series of workshops for federal energy managers.

Announcements

SUSTAINABLE LOCATIONS FOR FEDERAL FACILITIES (04/05/10) DOT has released [recommendations](#) addressing sustainable locations for federal facilities, as required by EO 13514. Federal agencies are already required to meet sustainable building standards for all new construction and major renovations, and the recommendations for sustainable locations add important considerations to those facility decisions. Recommended criteria for consideration in sustainable siting include access to transit, proximity to business districts and affordable housing, use of brown field or grey field sites, and adaptive reuse of historical facilities. Such efforts will help to reduce greenhouse gas emissions associated with commuting, ensure access for employees and visitors to convenient transportation options, and help to integrate the facility into the surrounding community.

SUSTAINABILITY The [2009 Army Sustainability Report](#) was released. The Army's long and proud history of excellence stems from a culture that honors accomplishments, while striving for continuous improvement. The commitment to sustainability is no different. The Army's last sustainability report demonstrated government-wide leadership as the first within the federal government to use the widely accepted Global Reporting Initiative (GRI) guidelines. The report presented a benchmark of the Army's accomplishments toward the goal of greening the force. This second report builds off the last by documenting progress further down the path toward Army Sustainability, with comparisons drawn to past data in order to highlight successes and future challenges.

FEDERAL GHG EMISSION REDUCTION TARGET President Obama announced a goal of reducing federal GHG emissions from indirect sources, such as employee travel and commuting, by 13% by 2020. Reductions in GHG emissions are called for in EO 13514. The draft Federal Greenhouse Gas Accounting and Reporting Guidance requires reporting of scope 3 emissions due to federal employee business air and ground travel; federal employee commuting; contracted solid waste disposal; contracted wastewater treatment; and transmission and distribution losses associated with purchased electricity. Emissions associated with vendors, contractors, and supply chains may be added later.

DoD NATURAL RESOURCES FUNDING MANUAL The [Natural Resources Funding Manual](#) identifies funding resources for which DoD may apply, directly or through partnerships with local, state, or tribal governments; non-governmental organizations (NGOs); commercial organizations; or private landowners. It is intended to facilitate the search for funding sources, but is by no means a comprehensive list of all available resources. The funding sources presented are associated with land use, endangered species, habitat conservation, environmental quality and other forms of conservation.

Studies and Reports

ANNUAL REPORT TO CONGRESS (05/24/10) The Office of the Deputy Under Secretary of Defense (Installations and Environment) recently released the [FY2009 Defense Environmental Programs Annual Report to Congress](#). The report details the accomplishments and progress in DoD's Environmental Programs during FY2009.

ELECTRONICS RECYCLING (08/11/10, [GAO-10-626](#)) GAO has released a report reviewing national management of used televisions, computers and other electronics. The US does not have a comprehensive national approach for reuse and recycling of used electronics; regulatory efforts, and EPA estimates that the majority of used electronics still are sent to landfills. Twenty-three states have programs or requirements addressing electronic waste; most are based on producer responsibility. Most entities regulated under the state electronics recycling laws—electronics manufacturers, retailers and recyclers—consider the increasing number of laws to be a compliance burden. The Federal Electronics Challenge, co-managed by EPA, encourages federal agencies and facilities to purchase environmentally preferable electronic equipment, operate the equipment in an energy-efficient way, and manage used electronics in an environmentally sound manner. EPA has defined preferred waste management practices for end-of-life electronics in its [Guidelines for Material Management](#). For further information: [John B. Stephenson](#), GAO, (202) 512-3841.

NANOSCALE SILVER (08/13/10, 75 FR 49487) EPA released the draft document, "[Nanomaterial Case Study: Nano-scale Silver in Disinfectant Spray](#)" (EPA/600/R-10/081). Comments are due by 10/15/10. The draft is intended to serve as part of a process to help identify and prioritize scientific and technical information that could be used in conducting comprehensive environmental assessments of selected nanomaterials. This case study does not represent a completed or preliminary assessment. It does not attempt to draw conclusions regarding potential environmental risks of nanoscale silver; rather, it aims to identify what is known and unknown about nanoscale silver to support future assessment efforts. A [previous EPA case study](#) focused on nanoscale titanium dioxide used in drinking water treatment and in topical sunscreen. For further information: [Dr. J. Michael Davis](#), EPA, NCEA, (919) 541-4162.

SITE CLEANUP PROGRESS OF DOD INSTALLATIONS (08/16/10, GAO-10-348) GAO issued study results calling for DoD and EPA to finalize interagency agreements (IAGs) for site remediation and establish uniform methods of reporting site cleanup progress at DoD installations. GAO recommended Congressional authority be given to EPA to enforce CERCLA at federal facilities without IAGs, ensuring timely and proper cleanup. GAO found a variety of obstacles have delayed cleanup progress at federal facilities: EPA and DoD use different terminology and metrics to report investigative and remedial work at defense installations; DoD's "persistent failure" to enter IAGs; DoD failure to disclose some contamination to EPA and the public in a timely fashion, delaying cleanup and putting human health at risk; and extensive use of performance-based contracts has created pressure that may have contributed to not exploring the full range of cleanup remedies or relying on construction remedies, such as allowing contaminated groundwater to attenuate over time rather than being cleaned up. [Additional information](#) is available. For further information: [John Stephenson](#); GAO, 202-512-3841.

CLIMATE CHANGE VULNERABILITY ASSESSMENT (08/23/10, 75 FR 51806) EPA issued a draft document titled, "[Climate Change Vulnerability Assessment: Four Case Studies of Water Utility Practices](#)" (EPA/600/R-10/077a). The report presents a series of case studies describing the approaches currently being taken by four water utilities to assess their vulnerability to future climate change. The report is intended to illustrate the types of analyses, models and climate change information being developed and used by selected water and wastewater utilities to understand and respond to climate risk. Utilities examined potential challenges such as: change in timing of runoff, reduction in water supply; sea level rise; increases in turbidity, eutrophication, and combined sewer overflows; and increases in drought and coastal storms. Comments are due 10/07/10. For further information: [Thomas Johnson](#); EPA National Center for Environmental Assessment (NCEA); 703-347-8618.

Federal Notices and Rulemaking

Clean Air Act (CAA)

MANDATORY GHG REPORTING (07/27/10, 75 FR 43889) This action supplements EPA's 07/07/10 "Proposed Confidentiality Determinations for Data Required under the Mandatory Greenhouse Gas Reporting Rule and Proposed Amendment to Special Rules Governing Certain Information Obtained under the Clean Air Act". EPA is proposing confidentiality determinations for the data elements proposed to be added or revised in the "Proposed Rulemaking: Revision of Certain Provisions of the Mandatory Reporting of Greenhouse Gases Rule." This action addresses only the confidentiality of the new and revised data elements proposed in the concurrent notice. For further information: Carole Cook, EPA, (202) 343-2342 or GHGMRR@epa.gov.

MANDATORY GHG REPORTING (08/11/10, 75 FR 48743) EPA has proposed amending numerous specific provisions in the GHG reporting rule to clarify reporting provisions, reduce the reporting burden, correct technical and editorial errors, and to address questions that have arisen since promulgation. Affected facility categories include general stationary fuel combustion sources, electricity generation, municipal solid waste landfills, and various other categories. Proposed changes focus on allowing greater flexibility or simplified calculation methods for certain sources in a facility, clarifying terms and definitions, calibration requirements, certification and reporting requirements. Prior to reporting in 2011 (for 2010 data), EPA will develop a method for assigning a unique ID number to each reporting facility. EPA will provide the necessary guidance later this year. EPA is planning to publish the final amendments before the end of 2010, and require reporters to calculate emissions and other relevant data for reports submitted in 2011 using Part 98, as amended by this and the other revisions package (75 FR 33950). Comments are due by 09/27/10. For further information: Carole Cook; EPA, Climate Change Division; Washington, DC; 202-343-9263; GHGReportingRule@epa.gov.

TRANSPORTATION CONFORMITY RULE (08/13/10, 75 FR 49435) EPA is proposing to restructure several sections of the transportation conformity rule so they would apply to any new or revised NAAQS established in the future for transportation-related criteria pollutants. This proposal should reduce the need to amend the rule in the future for the sole purpose of referencing specific new or revised NAAQS. For further information: [Patty Klavon](#), EPA, (734) 214-4476.

PM AND SO₂ MEASUREMENT (08/18/10, [75 FR 51039](#)) This provides notice, in accordance with 40 CFR 53, of two new equivalent methods for measuring concentrations of particulate matter and SO₂ in ambient air. For further information: [Surender Kaushik](#), EPA, (919) 541-5691.

NESHAPs (08/20/10, [75 FR 51569](#)) EPA has issued the final ruling establishing NESHAPs for existing stationary reciprocating internal combustion engines (RICE). The final rule addresses emissions from new or reconstructed stationary SI engines less than or equal to 500 HP located at major sources and all existing stationary SI engines located at area sources. The entities potentially affected include: electric power generation, transmission, or distribution; medical and surgical hospitals; natural gas transmission; and national security. This final ruling is effective 10/19/10. For further information: [Melanie King](#); EPA, Air and Radiation; RTP, NC; 919-541-2469.

OZONE NAAQS (08/24/10, [75 FR 51960](#)) EPA has released a proposed rule that would clarify the obligation to retain 1-hour nonattainment NSR program requirements for certain areas designated nonattainment for the 1997 8-hour ozone NAAQS. The proposal is in response to a ruling by the US Court of Appeals for the District of Columbia Circuit that the 1-hour major NSR program is a required control to prevent backsliding for areas designated 1-hour nonattainment on the date of designation for the 1997 8-hour NAAQS. The proposed rule contains a table of affected areas. For further information: [David Painter](#), EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, (919) 541-5515.

FEDERAL IMPLEMENTATION PLAN (FIP) (08/30/10, [75 FR 52916](#)) EPA announces a public hearing to be held for the proposed rule "Action to Ensure Authority to Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions; Federal Implementation Plan." The hearing will provide interested parties the opportunity to present data, views, or arguments regarding a proposed FIP to apply in any state that is unable to submit, by its deadline, a corrective SIP revision to ensure the state has authority to issue permits under the CAA's NSR of PSD for GHG sources. The hearing will be held 09/14/10. For further information: [Pamela Long](#), EPA, (919) 541-0641.

PSD (09/02/10, [75 FR 53892](#)) EPA has proposed to find that 13 states with EPA-approved SIP NSR PSD programs are substantially inadequate to meet CAA requirements because they do not appear to apply PSD requirements to GHG-emitting sources. For each of these states, EPA proposes to require the state (through a "SIP Call") to revise its SIP as necessary to correct such inadequacies. EPA proposes an expedited schedule for states to submit their corrective SIP revision, in light of the fact that as of 01/02/11, certain GHG-emitting sources will become subject to the PSD requirements and may not be able to obtain a PSD permit in order to construct or modify. As for the rest of the states with approved SIP PSD programs, EPA solicits comment on whether their PSD programs do or do not apply to GHG-emitting sources. If, on the basis of information EPA receives, EPA concludes that the SIP for such a state does not apply the PSD program to GHG-emitting sources, then EPA will proceed to also issue a finding of substantial inadequacy and a SIP Call for that state. Any SIP-approved PSD air permitting regulation that is not structured such that it includes GHGs among pollutants subject to the PSD program, will potentially be found to be substantially inadequate to meet CAA requirements. Included among the potentially affected industries are utilities, petroleum and coal products manufacturing, and waste management and remediation. Comments are due 10/04/10. For further information: [Lisa Hutton](#); EPA Air Quality Planning and Standards; Research Triangle Park, NC; 919-541-3450.

PSD (09/02/10, [75 FR 53883](#)) EPA proposes a FIP to apply in any state that is unable to submit, by its deadline, a corrective SIP revision to ensure that the state has authority to issue permits under the CAA NSR PSD program for sources of GHGs. This proposal is a companion rulemaking to "Action to Ensure Authority to Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call," which is being signed and published on the same schedule. For further information: [Lisa Hutton](#); EPA Air Quality Planning and Standards; Research Triangle Park, NC; 919-541-3450.

Climate Change and Energy

GHG ENDANGERMENT FINDING (08/13/10, [75 FR 49555](#)) EPA denied the petitions to reconsider the Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the CAA. EPA has determined that the petitioners' arguments and evidence are inadequate, generally unscientific and do not show that the underlying science supporting the endangerment finding is flawed, misinterpreted by EPA, or inappropriately applied by EPA. The science supporting EPA's finding that elevated concentrations of GHGs in the atmosphere may reasonably be anticipated to endanger the public health and welfare of current and future US generations is robust, voluminous and compelling. The most recent science assessment by the US National Academy of Sciences strongly affirms this view. In addition, the approach and procedures used by EPA to evaluate the underlying science demonstrate that the findings remain robust and appropriate. [Additional information](#) is available. This ruling became effective 07/29/10. For further information: Jeremy Martinich; EPA, Climate Change Division; Washington, DC; 202-343-9927, ghgendangerment@epa.gov.

FULL-FUEL-CYCLE ANALYSIS AND ENERGY CONSERVATION (08/20/10, [75 FR 51423](#)) DOE is proposing to begin using full-fuel-cycle (FFC) measures of energy and GHGs emissions, rather than the primary energy measures it currently uses, when evaluating national and environmental impacts of energy conservation standards for consumer products. Primary energy includes energy consumed on-site, plus (for electricity) energy losses that occur in the generation, transmission and distribution. The FFC measure includes point-of-use energy plus the energy consumed in extracting, processing and transporting primary fuels and, for electricity, the energy losses associated with generation, transmission and distribution. Existing law still requires measures to determine the energy efficiency of covered products and equipment to be based solely on the primary energy consumed at the point of use. The Federal Trade Commission (FTC) maintains [online databases](#) of the site energy use and efficiency ratings of appliances currently on the market. DOE proposes to improve upon the FTC's existing online databases by making FFC energy use and emissions data (and possibly annual energy costs data) available. For further information: [Anthony Perkins](#), DOE Office of Energy Efficiency and Renewable Energy, Building Technologies, Washington, DC, (202) 287-1846.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

ROYAL DEMOLITION EXPLOSIVE (RDX) (08/26/10, [75 FR 52535](#)) Department of Health and Human Services (DHHS) released a new [draft toxicological profile](#) on RDX. DHHS is seeking additional information or reports on studies about the health effects RDX whose chemical name is hexahydro-1,3,5-trinitro-1,3,5-triazine, also known as cyclonite. RDX is used as an explosive and can affect human and animal health by causing seizures and it is a possible carcinogenic agent. RDX is a nitrate explosive compound that can be utilized as a propellant, gunpowder, or high explosive depending on the initiation type. RDX has military and civilian applications. As a military explosive, RDX can be used alone as a base charge for detonators or mixed with another explosive such as TNT to form cyclotols, which produce a bursting charge for aerial bombs, mines and torpedoes. As an explosive, RDX is one and a half times more powerful than TNT and is easily initiated with mercury fulminate. Common military uses of RDX have been as an ingredient in plastic bonded explosives or plastic explosives, which have been used as explosive fill in almost all types of munition compounds. Comments are due 11/19/10. For further information: Olga Dawkins; ATSDR; Atlanta, GA; 770-488-3315.

Clean Water Act (CWA)

LOGGING ROAD REQUIRES NPDES (08/17/10, [PRESS REPORT](#)) The US Court of Appeals, Ninth Circuit, has issued an opinion that runoff from logging roads that is collected by and then discharged from ditches, culverts, or channels is a point source discharge for which an NPDES permit is required. Defendants argued that the Silvicultural Rule 40 CFR 122.27 exempted such runoff from the definition of point source discharge. The court's concluding statements explain: "Until now, EPA has acted on the assumption that NPDES permits are not required for discharges of pollutants from ditches, culverts, and channels that collect stormwater runoff from logging roads. EPA has therefore not had occasion to establish a permitting process for such discharges. But we are confident, given the closely analogous NPDES permitting process for stormwater runoff from other kinds of roads, that EPA will be able to do so effectively and relatively expeditiously." Although the decision addresses logging roads, it may open a door for examination of standards for water drainage and sediment control from unpaved roads generally. If the decision stands, it could potentially impact the maintenance of any unpaved roads that have discrete ditches and culvert systems for runoff from the road. Currently roads are covered only during actual construction under NPDES construction general permits. The [full opinion](#) in Northwest Environmental Defense Center v. Brown is available.

Natural Resources

INTERAGENCY OCEAN POICY (08/03/10, [75 FR 45606](#)) The [Interagency Ocean Policy Task Force's Final Recommendations](#) to the President have been made available. The recommendations provide: the first National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes; a strengthened governance structure to provide sustained, high-level and coordinated attention to ocean, coastal and Great Lakes issues; a targeted implementation strategy that identifies and prioritizes nine categories for action that the US should pursue; and a framework for effective coastal and marine spatial planning that establishes a comprehensive, integrated, ecosystem-based approach to address conservation, economic activity, user conflict and sustainable use of ocean, coastal, and Great Lakes resources. For further information: Michael Weiss; Council on Environmental Quality, Director for Ocean and Coastal Policy; Washington, DC; 202-456-3892.

Pipeline Hazardous Materials Safety Administration (PHMSA)

EMERGENCY RESPONSE GUIDEBOOK (07/23/10, [75 FR 43232](#)) This notice advises interested persons that (PHMSA is

soliciting comments on the development of the 2012 Emergency Response Guidebook (ERG2012), particularly from those who have experience using the 2008 ERG. The ERG is for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. The ERG2012 will supersede the ERG2008. Development of the ERG2012 is a joint effort involving the transportation agencies of the US, Canada, and Mexico. Comments are due 09/21/10. For further information: [Suzette Paes](#), PHMSA, (202) 366-4900.

EXPLOSIVES STORAGE DURING TRANSPORT (07/27/10, [75 FR 43906](#)) PHMSA, in coordination with the Federal Motor Carrier Safety Administration (FMCSA), is proposing to enhance existing attendance requirements for explosives stored during transportation by designating the National Fire Protection Association (NFPA) standard 498 as the federally approved standard for the construction and maintenance of safe havens used for unattended storage of Division 1.1, 1.2, and 1.3 explosives. This pertains to the explosives industry, and contains several references to DoD explosive standards and practices. For further information: Ben Supko, PHMSA, (201) 366-8553.

Safe Drinking Water Act (SDWA)

TOTAL COLIFORM RULE (08/31/10, [75 FR 53267](#)) EPA extended the comment period by 30 days for the proposed rule that would revise the 1989 Total Coliform Rule published on 07/14/10. Proposed revisions to the TCR include provisions intended to reduce the potential for contamination of drinking water while in the distribution system. The rule would require public water systems that are vulnerable to microbial contamination to identify and fix problems, and establish criteria for systems to qualify for and stay on reduced monitoring. The proposed rule would establish an MCLG and an MCL of zero for E. coli, a more specific indicator of fecal contamination and potential harmful pathogens than total coliform. These monitoring changes would take effect three years following publication of a final rule. Under the proposed treatment technique for coliform, total coliform serves as an indicator of a potential pathway of contamination into the distribution system. A PWS that exceeds a specified frequency of total coliform occurrence (or incurs an E. coli MCL violation) must conduct an assessment to determine if any sanitary defects exist. A [fact sheet](#) is available. Comments are now due 10/13/10. For further information: [Sean Conley](#); EPA, Standards and Risk Management Division; Washington, DC; 202-564-1781.

State Laws and Rulemaking

Alabama

Legislative Session Convened 01/12/10; Adjourned 04/22/10



Final Rules

SOLID WASTE PROGRAM (ALA. ADMIN. CODE 335-13) ADEM adopted amendments to rules and new rules in accordance with the Solid Waste and Recyclable Materials Management Act. For the rulemaking, ADEM adopted amendments to Chapter 335-13-1 to reflect changes and additions to definitions included in the Act and to clarify existing requirements regarding the closure of unauthorized solid waste dumps. ADEM adopted new Chapter 335-13-3 to establish the registration, recordkeeping, reporting, and facility design and operation requirements necessary for facilities engaged in the receipt, storage, and processing of recyclable materials at the point where these materials are initially diverted from the solid waste stream. The rule became effective 08/10/10.

[EMC Information](#)

[Solid Waste and Recyclable Materials Management Act \(HB 395\)](#)

[Solid Waste Program Rules](#)

[Proposed Rules \(335-13-1, 13-3\)](#)

[Final Rules](#)

Contact: Phillip Davis, (334) 271-7755

LICENSURE (RULE 628-X-3-.03) The Alabama Onsite Water Board has proposed amendments to Rule 628-X-3-.03. Amendments would remove provisions concerning licensure of individuals who possess a license in the major classification of municipal and utility from the Alabama Licensing Board for General Contractors. The Board accepted comments until 05/05/10, and filed the final rule with the LRS 06/14/10. The rule became effective 07/19/10.

[Notice of Proposed Rule](#)

[Proposed Rule](#)

Contact: Melissa Hines, (334) 269-6800

NPDES (ALA. ADMIN. CODE R. 335-6-6-.23) ADEM adopted amendments to a rule concerning general permits under the NPDES Program. Amendments revise the notice of intent provisions to make them consistent with 40 CFR 122.28. The rule became effective 08/02/10.

[EMC Information](#)

[Proposed Rule](#)

[Public Notice](#)

[Final Rule](#)

Contact: Lynn Broadway, (334) 271-7714

Proposed Rules

RADIATION CONTROL (ALA. ADMIN. CODE. CH. 420-3-26) ADEM has proposed amendments to rules concerning radiation control. The rules would apply to persons who possess, use, transfer, own, or acquire any source of radiation. The amendments would make the rules compatible with requirements of the US Nuclear Regulatory Commission. ADEM held a public hearing 06/14/10, and comments were due 06/25/10.

[Proposed Rule 420-3-26-.01](#)

[Proposed Rule 420-3-26-.02 \(Part 1\)](#)

[Proposed Rule 420-3-26-.02 \(Part 2\)](#)

[Proposed Rule 420-3-26-.03 \(Part 1\)](#)

[Proposed Rule 420-3-26-.03 \(Part 2\)](#)

[Proposed Rule 420-3-26-.07](#)

[Proposed Rule 420-3-26-.10](#)

Contact: James McNeese, (334) 206-5391

STORMWATER DISCHARGES ADEM has proposed to reissue a general permit for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s). The general permit will authorize stormwater discharges and certain non-stormwater discharges as defined in the general permit. The general permit requires implementation of the MS4 Phase II program under state and federal regulations. Each MS4 must develop, implement and enforce a stormwater management plan designed to reduce the discharge of pollutants to the maximum extent practicable using six minimum control measures to protect water quality and satisfy appropriate CWA water quality requirements. ADEM previously released a draft general permit for a 30-day public comment period beginning 01/14/10. ADEM revised that draft general permit in response to comments, and accepted comments on the revised draft general permit until 06/17/10. ADEM held a public hearing, and comments were due on the revised draft general permit 07/23/10. ADEM will prepare the final general permit.

[Draft General Permit](#)

[Fact Sheet](#)

[Public Notice](#)

Contact: Russell Kelly, (334) 271-7714

2010 SECTION 303(D) LIST ADEM has prepared the draft 2010 Section 303(d) List. Section 303(d) of the CWA requires states to identify water bodies that do not meet applicable water quality standards. These water bodies are scheduled for the development of total maximum daily loads. ADEM will revise the list if necessary, and then submit it the EPA for review. ADEM accepted public comments until 03/01/10.

[Draft List](#)

[Public Notice](#)

Contact: Joseph Roy, (334) 270-5635

GENERAL PERMIT FOR DISCHARGES FROM CONSTRUCTION ADEM drafted a general permit for discharges from construction activities that result in a total land disturbance of one acre or greater, and sites that are less than one acre, but part of a larger common plan or development. Coverage under this permit is not required for discharges of stormwater associated with minor land disturbing activities (such as home gardens or individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion), normal agricultural practices and silvicultural operations. ADEM held public workshops 08/19/10, 08/26/10 and 09/01/10. Comments will be accepted until further notice. ADEM intends to initiate formal permit procedures in fall 2010.

[Permit Information](#)

Contact: Dale Mapp, (334) 394-4399

GHG TAILORING RULE ADEM is discussing amendments to implement the PSD and Title V GHG Tailoring Rule. The rule tailors the applicability criteria that determine which GHG emission sources become subject to PSD and Title V pro-

grams of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/2/11, PSD or title V requirements for GHG emissions would apply to sources only if they are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. ADEM intends to conduct a rulemaking in late 2010.

[Rule Information](#)

Contact: Chris Howard, (334) 271-7878

Florida

Legislative Session Convened 03/02/10; Adjourned 05/01/10



Final Rules

NEW SURFACE WATER CLASSIFICATION SYSTEM (FAC 62-302.200, .300, .400, .500, .520, .530, .540, .700, .800)

FLDEP amended Chapter 62-302, F.A.C. to revise the existing surface water classification system by adding a new sub-classification under Class III waters titled Class III-Limited. The new Class III-Limited sub-classification addresses some artificial or altered waters that cannot fully support a Class III use due to physical or habitat conditions. This rule establishes the classification structure and process for moving a water body into a Class III-Limited classification, but does not actually move waters from the existing classification. A public hearing was held on 05/20/10, and comments were due 05/14/10. This rule was passed (with amendments) by the Florida ERC 05/20/10. The rule was passed (with amendments) by the Florida ERC on 05/20/10. The rules became effective 08/03/10. FLDEP will send the rules up to EPA for formal approval.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

Contact: [Eric Shaw](#)

SECONDARY CONTAINMENT FOR PESTICIDES (FAC 5E-2.042) The FL Department of Agriculture and Consumer Services adopted federal containment regulations in 40 CFR 165 that apply to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities. The rule was proposed 04/16/10; adopted on 07/14/10. It became effective 08/03/10. Contact: Bruce Nicely, nielyb@doacx.state.fl.us

WATER QUALITY CREDIT TRADING (FAC 62-306) FLDEP has proposed rules to establish a water quality credit-trading program for the Lower St. Johns River Basin. The rules will include provisions for the following items: the process to determine how credits are generated, quantified and validated; limitations on the use of credits, including eligible pollutants, minimum water quality requirements and any adjustments for uncertainty or location; the timing, duration, and transfer of credits; the information needed to track credits, trades, and prices paid; and the mechanisms for determining compliance with trade provisions. Comments were due 04/30/10. Rules became effective 09/06/10.

[Notice of Proposed Rules](#)

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

[Rulemaking Information](#)

Contact: Eric Shaw (850) 245-8429

Proposed Rules

FUTURE LAND USE (FAC 9J-5.003, 005 and 006) The FL Department of Community Affairs has proposed to amend this rule to provide details and explain statutory requirements that require future land use elements to be based upon the amount of land required to accommodate anticipated growth and the projected population of the area. A rule development workshop was held 04/23/10. Rulemaking was initiated on 08/23/10. A rule development workshop was held 09/14/10.

[Notice of Development of Rulemaking](#)

Contact: [Robert Pennock](#), 850-922-1735

NORTHERN TAMPA BAY WATER USE AREA (FAC 40D-80.073, FAC 40D-2.091, .301, .801) The SFWMD has proposed amendments to 40D-80.873 to establish the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan (the "Comprehensive Plan") for the Northern Tampa Bay Water Use Caution Area. The proposed plan would govern, through 2020, recovery and mitigation actions to be undertaken by water use permit applicants and permittees when withdrawals adversely affect lakes, wetlands, streams, springs and aquifers within the Northern Tampa Bay Water Use Caution Area. Amendments to Chapter 40D-2, and Part B of the Basis of Review of the Water Use Permit

Information Manual concern water use permitting criteria for water use permit applicants and permittees who would be governed by the Comprehensive Plan, pursuant to related amendments to Chapter 40D-80.

[Notice of Development of Rulemaking](#)

[Notice of Development of Rulemaking](#)

[Notice of Correction](#)

Contact: [Annette Zielinski](#)

ENDANGERED SPECIES (FAC 68A-27.0001, .001, .0011 .0012, .002, .0021, .003-.007) The Florida Fish and Wildlife Conservation Commission (FL FWCC) has proposed rules that would establish or revise rule provisions associated with species classified as Candidate, Endangered, Threatened and Species of Special Concern. Additional rules consider endangered and threatened species as part of an ongoing effort to develop a new Imperiled Species listing process.

[Notice of Development of Rulemaking](#)

Contact: Michael Yaun, (850) 487-1764

COMPREHENSIVE PLANNING (FAC 9J-5.003, .006, .010, .013, .019) The Florida Department of Community Affairs has proposed to amend Rule 9J-5 to establish minimum criteria to be used in reviewing comprehensive plans to determine whether they comply with new requirements of Chapters 2008-191 & 2009-96, Laws of Florida. These chapters concern energy efficient land use patterns accounting for existing and future electric power generation and transmission systems; GHG reduction strategies, to include the transportation sector; factors that affect energy conservation; depiction of energy conservation on the future land use map series; energy efficiency in design and construction of new housing; use of renewable energy resources; discouragement of urban sprawl; achievement of healthy, vibrant urban centers; and strategies to support and fund mobility within certain transportation concurrency exception areas. A rule development workshop was held 09/14/10.

[Notice of Development of Rulemaking](#)

Contact: Robert Pennock, (850) 922-1735

BIOSOLIDS ACCOUNTABILITY (FAC 62-640.100, .200, .210, .300, .400, .500, .600, .650, .700) FLDEP is revising the code to improve biosolids land application site accountability and management, address growing nutrient concerns and support public confidence in the beneficial use of biosolids. Proposed amendments would apply to rules for land application of domestic wastewater residuals. Primary amendments would require site permitting for biosolids land application sites; nutrient management plans; and distributed and marketed Class AA biosolids to be fertilizers. FLDEP revised the draft rules after the 02/21/07 public meeting, and held a public meeting 03/05/08 to discuss revised draft rules. Another public workshop was held 06/12/08, after which FLDEP revised the draft rules. FLDEP briefed the ERC on the rule-making 08/20/09. ERC accepted comments after the briefing, and scheduled a public hearing for 12/01/09. The ERC continued the public hearing to 05/20/10, and changes were proposed 06/11/10.

[Proposed Rule](#)

[Notice of Public Meeting](#)

[Notice of Continuation](#)

Contact: Maurice Barker, (850) 245-8614

2010 REGIONAL WATER SUPPLY PLAN SFWMD prepared a draft [2010 Regional Water Supply Plan](#). The plan includes an assessment of water supply demand and potential sources of water to meet demand over a 20-year planning period. The plan includes four volumes that correspond to four water supply regions. SFWMD held public meetings 05/06/10, 05/11/10, 05/19/10, and 05/24/10 to accept public comments. SFWMD held public meetings 06/17/10 and 06/25/10 to discuss the 2010 water supply plan and water planning issues. Comments were accepted until 07/16/10.

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (FAC, CHAPTER 64E-6) FLDEP is discussing amendments to rules concerning standards for onsite sewage treatment and disposal systems. Amendments may address onsite sewage treatment and disposal system design, permitting, construction, modification, repair and maintenance; system evaluation; standards for existing systems; grants for repairs to systems of low-income homeowners; septic tank contractor registration, training and standards of practice; septage treatment and disposal; and performance-based treatment standards. FLDEP held a public workshop 06/04/10 to discuss permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units, and innovative systems. The Technical Review and Advisory Panel met 07/15/10, and will meet again on 09/23/20. At that point, formal rule making, which should require approximately 90-120 days, can begin.

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 488-4070

WELL PERMITTING AND CONSTRUCTION REQUIREMENTS (FAC, CHAPTER 62-532) FLDEP has proposed amendments to rules concerning water well permitting and construction requirements. Amendments would revise definitions; set forth construction standards for wells serving bottled water plants and wells permitted pursuant to Chapter 62-524; set forth geothermal well tubing and fitting material standards and grouting requirements; revise several technical drilling methods related to well construction and grouting requirements; revise alternate grouting requirements; update references; update setback distances and footnotes in Table 1; and adopt new forms. FLDEP held a public workshop 03/24/09, and a public hearing was held 07/07/10. The rules should become effective later in the fall of 2010. The rules are being finalized for the Secretary's signature.

[Notice of Proposed Rules](#)

[Notice of Rule Development](#)

[Rulemaking Information](#)

Contact: David James, 850-245-8648

REGIONAL HAZE SIP FLDEP prepared the Regional Haze SIP revision. The proposed revision represents commitments and actions taken by the state affecting reasonable progress from 2008 to 2018 toward attaining natural visibility conditions in designated Federal "Class I areas" by 2064. It also provides for the implementation of Best Available Retrofit Technology. FLDEP held a public hearing and accepted comments until 01/28/10. FLDEP submitted the SIP revision to the EPA for review 03/19/10, and FLDEP revised parts of the SIP revision in response to EPA comments. If requested by 08/06/10, FLDEP will hold a public hearing 08/18/10. FLDEP accepted public comments until 08/18/10.

[Regional Haze SIP revision](#)

Contact: Tom Rogers, (850) 921-9554

COASTAL CONSTRUCTION PERMITS (FAC 62B-41.002, .003, .005) The FLDEP Division of Beaches and Shores is proposing amendments to existing rules in order to address comments from the Joint Administrative Procedures Committee. Rule amendments would refine criteria for coastal construction permits for coastal armoring below the mean high water line, inlet construction and maintenance, and beach restoration and nourishment. The notice of rulemaking was published 09/03/10.

[Notice of Development of Rulemaking](#)

Contact: [Rosaline Beckham](#), 850-488-7708

SOLID WASTE MANAGEMENT (FAC 62-701.100, .200, .210, .220, .300, .310, .315, .320, .330, .340, .400, .410, .430, .500, .510, .520, .530, .600, .610, .620, .630, .710, .730, .803, .900) Chapter 2010-205 includes a new requirement that all construction and demolition debris landfills be constructed with liners and leachate control systems. Chapter 2010-143, Laws of Florida, includes a new requirement that all construction and demolition debris be processed prior to disposal when economically feasible. This FLDEP rulemaking would amend the rule chapter to address the new requirements. A rule development workshop will be held 09/29/10.

[Notice of Proposed Rulemaking](#)

Contact: Richard Tedder, (850) 245-8735

GENERAL AND ENVIRONMENTAL RESOURCE PERMITS (ERP) (FAC 40C-4.041, .091, .101, .201, .301, .900, FAC 40C-20.042, .900) The SFWMD has proposed rule amendments that would: create a new ERP permitting criteria; require, for a system that would contain irrigated landscape, golf course, or recreational areas, a water conservation plan that includes irrigation plans, use of lower quality water sources, and no prohibitions on Florida-Friendly landscaping; require, for a system that would contain irrigated landscape, golf course, or recreational areas that will require a Consumptive Use Permit (CUP), that the applicant concurrently apply for and obtain a CUP; clarify application processing requirements; clarify pre-application conferencing; and update statutory authority. The proposed rule amendment would require, for a CUP application to irrigate landscape, golf course, or recreational areas for a project that would require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application, and concurrent review and processing of both applications; clarify application processing requirements; and clarify pre-application conferencing. A rule development workshop was held 09/16/10 and 09/17/10.

[Notice of Proposed Rulemaking](#)

[Notice of Proposed Rulemaking](#)

Contact: Wendy Gaylord, (386) 326-3026

Georgia

Legislative Session Convened 01/12/10; Adjourned 04/03/10



Proposed Rules

PERMIT FEES (GAC 391-3-1-.03(9), -.15) This rule specifies the fee rate, references a new fee manual for Calendar Year 2009 fees and adds provisions for administrative fees and transfer of ownership. It also incorporates the transportation conformity requirements of CAA. The rule was proposed 03/09/10, and comments were due 04/20/10. A public hearing was held 06/04/10.

SIP REVISION FOR THE ATLANTA PM2.5 NONATTAINMENT AREA GAEPD prepared a SIP revision for the Atlanta PM2.5 nonattainment area. The revision demonstrates attainment with the 1997 annual PM2.5 NAAQS by 04/05/13, and includes the following items: identification and description of the nonattainment area, including major PM2.5 emissions sources; identification of PM2.5 control measures needed to reach attainment; and the description of modeling that demonstrates attainment of the annual standard. GAEPD held a public hearing, and accepted comments until 05/11/10.

[Proposed SIP Revision](#)

[Public Notice](#)

Contact: James (Jac) Capp, (404) 363-7000

WATER RESOURCE ASSESSMENTS GADNR released three draft water resource assessments: groundwater availability, surface water availability and surface water quality (assimilative capacity). As described in the State Water Plan, these draft water resource assessments are evaluations of the capacity of water resources to meet demands for water supply and wastewater discharge without unreasonable impacts. GADNR expects to refine and adjust the draft water resource assessments. The 10 regional water planning councils will use the draft water resource assessments to development management practices to meet future water demands. GADNR changed the comment deadline to 06/30/10. GADNR posted the draft water resources assessments on its website in late March 2010.

[Draft Water Resource Assessments](#)

Contact: Arnetta Murphy, (404) 656-4157

AIR QUALITY CONTROL (RULE 391-3-1-.01, 391-3-1-.02, 391-3-1-.14) GAEPD has proposed amendments to rules for air quality control. Amendments would revise the definition of procedures for testing and monitoring sources of air pollutants; correct a numbering error; add a missing word; update incorporated standards to be consistent with federal standards; add new standards and update incorporated standards to be consistent with federal standards; and update incorporated requirements to be consistent with federal requirements. GAEPD held a public hearing 07/06/10. Comments are due 07/20/10. The Board will review the rule for adoption 08/25/10.

[Proposed Rules](#)

Contact: James Capp, (404) 363-7000

WASTEWATER DISCHARGE INTO POTWS (391-3-6-.08, -.09) This rule proposes amendments to wastewater pretreatment permits for the discharge of any pollutant into a publicly owned treatment works (POTWs) and then into the waters of the state. It would also amend procedures and practices to be followed in development and submission of POTW pretreatment programs for GAEPD review, approval or denial, and the public notification methods to be used. The rule was proposed 08/05/09. Changes were proposed 06/23/10, and comments were due 07/23/10.

[Proposed Rule](#)

Contact: [Jamila Norman](#), 404-675-1687

Kentucky

Legislative Session Convened 01/05/10; Adjourned 04/01/10



Proposed Rules

AMBIENT AIR MONITORING NETWORK In accordance with 40 C.F.R. 58.10(a)(1), the KEEC will make the annual monitoring network plan available for public inspection for at least 30 days prior to submission to EPA. The plan details operation and location of ambient air monitors operated by the Kentucky Division for Air Quality, Louisville Metro Air Pollution Control District, and the National Park Service. The public comment period relating to the annual monitoring network began 05/28/10, and concluded on 06/27/10. Copies of the annual monitoring plan are available for public inspection.

Any individual requiring copies may submit a request to the Division for Air Quality in writing, by telephone, by FAX, or by electronic mail. Requests for copies should be directed to the contact person listed below. In addition, an [electronic](#) version of the proposed annual monitoring network plan and relevant attachments can be downloaded. Contact: [Jennifer F. Miller](#), (502) 564-3999; (502) 564-4666

AIR KEEC has proposed a SIP revision for the following 8-hour ozone attainment/1-hour ozone maintenance areas: Kentucky Portion of the Huntington-Ashland Area, Lexington Area, Owensboro Area, Edmonson County Area, and Paducah Area. The SIP revisions provide the second 10-year maintenance plan for those areas. KEEC held a public hearing 01/15/08, and written comments were due 01/15/08. Comments were received from EPA. KEEC developed responses to the comments, and submitted the SIP revision to EPA 05/27/08. EPA drafted a notice of proposed rule to approve the SIP revision for the Huntington-Ashland, Lexington, and Edmonson County Areas. EPA requested more information about the Paducah Area and Owensboro Area. EPA approved the SIP revision for the Huntington-Ashland Area, Lexington Area, and Edmonson County Area 03/25/09; however, due to an adverse comment, EPA has withdrawn the direct final rule. EPA has proposed approval of the Paducah Area and Owensboro portions of the revision. EPA accepted written comments on the proposed Paducah Area approval until 02/03/10, and the Owensboro Area approval until 02/19/10. As of 05/24/10, EPA had not yet approved any of the areas.

[Proposed USEPA approval of Paducah Area revisions](#)

[Proposed USEPA approval of Owensboro Area revisions](#)

[Proposed SIP Revision and Attachments](#)

[Notice of USEPA approved SIP revisions 03/25/09](#)

[Notice of USEPA withdrawal of direct final rule 05/05/09](#)

Contact: John Gowins, (502) 573-3382

WATER (401 KAR 8:100) The KDEP Division of Water has proposed amendments to rule 401 KAR 8:100 "Design, construction and approval of facilities," which establishes procedures for public and semipublic water systems to submit preliminary and final construction plans to KEEC for approval. Amendments would allow the professional engineering community to use the most current design guidelines for construction or expansion of water treatment plants and distribution systems. KDEP held a public hearing on the rule 07/27/10, and accepted written comments until 08/02/10.

[Proposed amendments](#)

Contact: Abigail Powell, (502) 564-3410

NEW INDIRECT HEAT EXCHANGERS (401 KAR 59:015) KDEP has proposed amendments that would establish standards of performance for new indirect heat exchangers with heat input capacity between one (1) million and 250 million BTU heat input per hour. This administrative regulation regulates indirect heat exchangers as part of the Kentucky SIP. It would provide owners and operators of indirect heat exchangers the option of using a PM continuous emissions monitoring system to demonstrate compliance. Because of this amendment, sources would have greater flexibility in choosing reference methods for monitoring emissions and demonstrating compliance for the opacity standard. This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees. KDEP held a public hearing 06/29/10, and accepted written comments until 06/30/10. Comments were received during the public comment period so a SOC was drafted and filed in response. ADEM chose to further amend the regulation in response to comments received; thus, an Amended After Comments version was filed, which will go to the September ARRS meeting.

[Notice of public hearing](#)

[Proposed Rule](#)

[Amended Rule](#)

Contact: Millie Ellis, (502) 564-3999

IMPLEMENTATION OF GHG TAILORING RULE (401 KAR 51:001, 401 KAR 52:001) The KDEP Division of Air Quality has proposed amendments to the definitions regulations that govern the state PSD/NSR and Title V permitting programs by including the federal definition amendments. These amendments are the first step toward implementing the Tailoring Rule threshold limits for regulating GHGs. EPA adopted the PSD and Title V GHG Tailoring Rule, which tailors the applicability criteria that determine which GHG emission sources become subject to the PSD, and title V programs of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or Title V requirements for GHG emissions will apply to sources only if they are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. The Division of Air Quality will hold a public hearing on the rules 8/24/10, and will accept written comments until 08/31/10. The Division anticipates full phase one program implementation by January 2011.

[Rule Information](#)

[Proposed amendments to 401 KAR 51:001](#)

[Proposed amendments to 401 KAR 52:001](#)

Mississippi

Legislative Session Convened 01/05/10; Adjourned 04/04/10



Proposed Rules

INDIVIDUAL ONSITE WASTEWATER DISPOSAL (CHAPTER 2, 9, 10, 11, 13; APPENDIX 3) MSDEQ has proposed amendments to rules concerning individual onsite wastewater disposal. The rulemaking includes amendments to the following: Chapter 5 to allow aggregate disposal systems to be as close as 50 feet from sensitive waters; Chapters 9, 10 and 11 to reflect that wastewater disposed of by overland discharge must meet the requirement established by ANSI/NSF Standard 40; Chapter 13 to allow for additional methods of disinfection for applicable onsite wastewater systems; and Appendix 3 to allow aggregate disposal systems to be as close as 50 feet from sensitive waters. MSDEQ held a public hearing 06/30/10. The Board of Health revised the rules 07/07/10.

[Proposed Chapter 2, Public Notice for Chapter 2](#)

[Proposed Chapter 9, Public Notice for Chapter 9](#)

[Proposed Chapter 10, Public Notice for Chapter 10](#)

[Proposed Chapter 11, Public Notice for Chapter 11](#)

[Proposed Chapter 13, Public Notice for Chapter 13](#)

[Proposed Appendix 3, Public Notice for Appendix 3](#)

Contact: Charles Shultis, (601) 364-2300

TOXICS MSDEQ has proposed miscellaneous amendments to rules governing entomological, plant pathological and weed control consultants. The rulemaking includes, but is not limited to amendments to delete rule language concerning the waiver of examination requirements and licenses automatically becoming invalid. The rules will become effective 20 days after filing with the Secretary of State. MSDEQ accepted comments until 05/31/10.

[Proposed Rules](#)

[Notice of Proposed Rules](#)

Contact: Tommy McDaniel, (662) 325-7763

SPRAY EQUIPMENT ON AIRCRAFT (SUBPART 3, CHAPTER 10, SUBCHAPTER 2) MSDEQ has proposed amendments to the specifications for spray equipment on aircraft and methods of application. Amendments would revise provisions concerning specifications and inspection of spray equipment on aircraft for hormone-type herbicides and methods of application for hormone-type herbicides. MSDEQ accepted comments until 06/12/10.

[Proposed Amendments](#)

[Notice of Proposed Amendments](#)

Contact: John Cambell, (662) 325-8739

IMPAIRED WATERS Mississippi's [2010 Section 303\(d\) List of Impaired Water Bodies](#) fulfills the state's obligation to develop a listing of the state's impaired waters, with respect to CWA. Section 303(d) of the CWA requires states to identify water bodies that are impaired by one or more pollutants. These water bodies are scheduled for total maximum daily load (TMDL) development. MSDEQ held a public hearing, and comments were due 05/11/10. MSDEQ will revise the list if necessary, and then submit to EPA. As of 08/25/10, MSDEQ is expecting comments from EPA. Once comments are received, MSDEQ will schedule the list on the agenda for their Commission. If the Commission approves, the list will go to the Secretary of State and the Attorney General, then to the EPA for final approval.

[Second Draft](#)

INVASIVE SPECIES The Mississippi Aquatic Invasive Species Task Force prepared the [draft Mississippi State Management Plan for Aquatic Invasive Species \(AIS\)](#). The goal of this plan is to provide a framework to help prevent and control the introduction of new nonindigenous species into Mississippi; control the spread and impact of existing invasive species; and eradicate locally established invasive species wherever possible. Five objectives were adopted to help achieve this goal: coordinate all AIS management activities or programs within Mississippi and collaborate with regional, national and international AIS programs; prevent and control the introduction/reintroduction of nonindigenous invasive species through education about species and pathways, targeting the general public (including schools), industries, user groups, government agencies and nongovernmental organizations; eliminate locally established invasive species through monitoring, early detection, rapid response and early eradication; control the spread of established invasive species through cooperative management activities designed to minimize impacts when eradication is impossible; and prevent the intro-

duction of non-native species, or the spread of existing ones, through legislation, regulation and enforcement. The federal Aquatic Nuisance Species Task Force will review the management plan for final approval. MSDEQ accepted comments until 01/31/10. Contact: Mike Beiser, (601) 961-5701

GHG TAILORING RULE EPA adopted the PSD and Title V GHG Tailoring Rule. The rule tailors applicability criteria that determine which GHG emission sources become subject to the PSD and Title V programs of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or Title V requirements for GHG emissions will apply to sources only if the sources are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources.

[Rule Information](#)

Contact: Jerry Beasley, (601) 961-5134

HAZARDOUS WASTE MANAGEMENT MSDEQ has proposed a rule that would postpone the effective date of the rule for Organic Emission Standards for Tanks, Surface Impoundments and Containers. Amendment would incorporate by reference federal regulations that implement changes regarding transboundary movement of spent lead-acid batteries, and make technical changes to correct or clarify several parts of the hazardous waste regulations. The rule was proposed 07/29/10; comments were due 08/28/10. A public hearing was held 09/13/10.

[Rulemaking Notice](#)

[Proposed Rule](#)

Contact: Ted Lampton, 601-961-5369

North Carolina

Legislative Short Session Convened 05/10/10; Adjourned Sine Die 07/10/10



Final Rules

NUTRIENT OFFSET PAYMENT PROGRAM (15A NCAC 02B .0274; 15A NCAC 02B .0240) NCDENR has adopted rule 15A NCAC 02B .0274, "Nutrient Offset Payment Rates for the NC Ecosystem Enhancement Program," (EEP) and amended rule 15A NCAC 02B .0240, "Nutrient Offset Payments." The North Carolina General Assembly directed NCDENR to develop a mechanism for charging customers of the Nutrient Offset Payment Program, administered by the NC EEP, the actual cost of delivering nutrient load reductions. Rule 15A NCAC 02B .0274 establishes a method by which EEP will establish and update rates using all actual costs incurred by the program in achieving nutrient reduction obligations. Proposed amendments to Rule 02B. 0240 provide procedures for making payments to other entities (including EEP) to achieve nutrient reduction requirements specified in other rules. The EMC will review the rules for approval. NCDENR published notice of the rules in the North Carolina Register 02/15/10, and held public hearings 03/22/10 and 03/23/10. Comments were accepted through 04/16/10. The rules were scheduled to become effective 09/01/10.

[Proposed rules \(see pages 18-24 of pdf\)](#)

Contact: Suzanne Klimek, (828) 329-0871

Proposed Rules

RECLAIMED WATER (15A NCAC 02T .0113, .0506, .0901-.0915; 02U .0101- .0117, .0120, .0201-.0202, .0301, .0401-.0403, .0501, .0601, .0701, .0801-.0802, .0901, .1101, .1401) This regulation would adopt a new subchapter to clarify existing reclaimed water rule language in order to remove unintended restrictions and facilitate the use of reclaimed water. It would provide two separate categories for reclaimed water based upon the level of treatment and intended use, and replace Fecal Coliform with E. Coli as the pathogen indicator for effluent sampling. The rule would allow for additional uses of reclaimed water through wetlands augmentation and crop irrigation, and define new application requirements, design criteria and effluent standards for the new uses. Lastly, the rule would repeal existing reclaimed water rules. The rule was proposed 02/15/10, and public hearings were held on March 23, 25 and 30, 2010. The comment deadline was 04/27/10. The proposed effective date is 09/01/10.

[Proposed Rule](#) (page 24)

EMISSION CONTROL STANDARDS (15A NCAC 02D .0530-.0531, .0902, .0909, .0917, .0920- .0923, .0934-0936, .0951-.0952, .0961-0968; 02Q .0306) NCDENR has proposed a rule that would clarify that installation of Best Available Control Technology (BACT) applies to all new natural gas-fired electrical utility generating units for which cost recovery is sought under the Clean Smokestacks Act. It would remove pollutant specific references that require sources to continue measures after an area's redesignation to attainment, and would replace the description of nonattainment areas. Further, this rule would incorporate EPA Control Techniques Guidelines concerning what types of controls may con-

stitute Reasonably Available Control Technology (RACT) for 11 source categories. The rule was proposed 03/10/10. Public hearings were scheduled for 04/27/10 and 04/29/10. The comment deadline was 04/30/10.

[15A NCAC 02D .0530](#)

[15A NCAC 02D .0531](#)

PRETREATMENT REGULATIONS (15A NCAC 02H .0901-.0910, .0912-.0917, .0919-.0921, 15A NCAC 02H .0922)

NCDENR has proposed a new rule and amendments to pretreatment rules. The purpose of the amendments is to address several aspects of EPA's streamlining of the Federal Pretreatment Regulations in 40 CFR 403, to include granting North Carolina municipalities access to provisions allowing Pretreatment Control Authorities the option to reduce sampling of extremely small industrial users. Other amendments ensure consistency with federal regulations. Remaining amendments ensure consistency with current Division of Water Quality (DWQ) practices, and allow flexibility of DWQ oversight of Pretreatment Programs. This includes amendments to ensure adequate communication and coordination regarding Industrial user discharges in situations, where one publicly owned treatment work (POTW) sends wastewater to another POTW for treatment. The purpose of new rule 15A NCAC 02H .0922 is to consolidate and update the adjudicatory hearing conditions to cover pretreatment civil penalties and administrative orders in addition to the adjudication of pretreatment permits already covered in an existing rule. NCDENR held a public hearing 06/17/10. Written comments were accepted until 08/02/10.

[Notice of proposed amendments \(see pages 9-27 of pdf\)](#)

Contact: Deborah Gore, (919) 807-6383

PSD REQUIREMENTS FOR GHGs (15A NCAC 02D .0544)

NCDENR has proposed a draft of rule 15A NCAC 02D .0544 "Prevention of Significant Deterioration Requirements for Greenhouse Gases." Under federal regulations published 06/02/10, EPA defines the terms "subject to regulation," "greenhouse gases," "CO2 equivalent emissions," "emissions increase" and "significant;" establishes related thresholds; and amends the definition of "major source" relative to GHGs. The final federal tailoring rule regulates permitting of sources of GHG emissions in two steps. Under the final federal regulation, EPA considers GHGs subject to regulation beginning 01/02/11. North Carolina has its own approved PSD program and does not automatically pick up the federal tailoring provisions. This rulemaking is necessary to incorporate GHGs as a regulated pollutant, and to implement tailoring provisions to allow the Division of Air Quality to efficiently and effectively implement its PSD and Title V permitting programs. The rule amendments are proposed to add tailoring provisions to the state rules. EMC approved a request from NCDENR for permission to proceed to public hearing on these amendments 07/15/10. NCDENR is requesting waiver of the EMC's 30-day rule in order to implement these rules by EPA's deadline.

[Proposed rule 15A NCAC 02D .0544](#)

ON-SITE WASTEWATER TREATMENT OPERATORS (21 NCAC 39 .0101-.0102, .0201, .0301, .0401-.0404, .0501, .0601-.0605, AND .0701-.0703)

BHEC has proposed adoption of rules relating to certification of on-site wastewater system contractors and inspectors. The proposed rules include definitions, levels of certification, requirements for applications, fees, examinations, initial and continuing education, issuance of certificates, renewals, disciplinary action and other matters related to the certification of contractors and inspectors and the operation of BHEC. BHEC will hold public hearings on the rules 08/20/10, and 08/23/10. Written comments were accepted until 09/13/10.

[Proposed rules \(see pages 37-41 of pdf\)](#)

Contact: Gene Young, (919) 733-2895

HAZARDOUS WASTE TRANSFER FACILITIES (15A NCAC 13A .0108, .0116-.0117)

The EMC has proposed amendments regarding hazardous waste transfer facilities. Amendments to Rule .0108(a)(1) would incorporate existing requirements from G.S. 130-295.05 for registration, notification and records retention. Proposed amendments to Rule .0108(a)(1) and (2) would incorporate requirements for emergency preparedness and prevention, container management, records, inspections, security, emergency procedures, and additional emergency notification requirements as recommended based on results of the study required by HB 36, adopted as Session Law 2007-107. Amendments to 15A NCAC 13A .0116 are in response to the North Carolina Legislature's Session Law 2007-107, [HB 36], which requires the addition of a factor for determining inspection frequency at "Special Purpose Commercial Hazardous Waste Facilities." The additional factor concerns the increase or decrease in "Sensitive Land Use" in the area surrounding these facilities. Amendments would afford greater scrutiny and oversight of North Carolina's special purpose commercial hazardous waste treatment, storage or disposal facilities. Stated changes to Rule .0116 would require Rule .0117 to be amended to include categories 4 and 5 and the corresponding fees. The increase in fees as required by G.S. 130A-295.02(h), which partly states, "The Department shall establish and revise as necessary a schedule of fees to be assessed on the users of each such facility to recover the actual cost of the resident inspector program at that facility," and therefore requires Rule .0117 to be amended by a 50% increase in fees to recover "the actual cost of the resident inspector program." The EMC will hold a public hearing on the amendments 8/17/10, and will accept written comments until 10/01/10.

[Notice of proposed amendments \(see pages 99-105 of pdf\)](#)

Contact: Elizabeth Cannon, (919) 508-8534

AREAS OF ENVIRONMENTAL CONCERN, WIND FACILITIES (15 NCAC .0106, .208; 07M NCAC .0401-.0403) NCDENR has proposed a rule that would detail application requirements for wind energy facilities, and include development of standards for these facilities. A "Wind Energy Facility" means turbines, accessory buildings, transmission facilities and any other equipment necessary for the operation of the facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more of energy. The rule was proposed 08/02/10 with a comment deadline of 10/01/10. A public hearing was scheduled for 09/16/10.

[Proposed Rule \(beginning on p. 212\)](#)

James Gregson, 252-808-2808

South Carolina

Legislative Session Convened 01/12/10; Adjourned 06/03/10



Proposed Rules

HAZARDOUS WASTE (R.61-79) SCDHEC has proposed amendments regarding hazardous waste management generator and transportation requirements. SCDHEC proposes to establish requirements for transfer facilities where manifested shipments of hazardous waste in containers are stored for more than 10 days. The rule would establish permitting and storage requirements for hazardous waste storage at a transfer facility, as well as establish financial assurance to protect the environment and the State in the event of a spill or accident act. Amendments would also remove references throughout the regulations to EPA's National Environmental Performance Track Program and the analogous state program, and the South Carolina Environmental Excellence Program. These Programs provide regulatory incentives to facilities with good compliance records that are less stringent than Federal standards. References to the SCEEP would be removed because the State cannot be less stringent than federal regulations. SCDHEC published notice of the proposed amendments 05/28/10. SCDHEC accepted written comments until 06/29/10. Contact: Richard Haynes, (803) 896-4070

HAZARDOUS WASTE MANAGEMENT PLANNING (R.61-99) SCDHEC has proposed the repeal of R.61-99, "Hazardous Waste Management Planning." The regulation requires a "demonstration of need" before any applicant can receive a permit to establish or expand a hazardous waste management facility. This need can be demonstrated only by reference to the volume of in-state wastes. On 04/13/95, the US District Court ruled that the regulation was invalid and permanently enjoined the regulation. The Court held that R.61-99 (III) (C) discriminated against interstate commerce in violation of the Commerce Clause. The District Court ruling was upheld on appeal. Therefore, the SCDHEC intends to repeal the regulation. SCDHEC published the Notice of Drafting 06/25/10, and accepted written comments on the proposed repeal until 07/26/10. SCDHEC is reviewing comments received and working internally on the rule. Contact: Richard Haynes (803) 896-4070

RADIOACTIVE MATERIAL (R. 61-63) SCDHEC has proposed amendments to adopt Nuclear Regulatory Commission (NRC) updated regulations. SCDHEC intends to make changes to R. 61-63, Section 274 of the Atomic Energy Act of 1954, which requires states to adopt federal regulations for compatibility. The intended action includes corrections and clarifications in Parts II and IV, requirements for medical use of radioactive material. It also provides changes to Parts I and II for exemptions from licensing, General Licenses and licensing and reporting requirements. Medical Use, Part IV, is also revised to provide clarification for Authorized User requirements. SCDHEC published the Notice of Drafting 03/26/10, and accepted written comments until 04/26/10. BHEC met 06/10/10 to request initial approval to publish a Notice of Proposed Regulation in the South Carolina State Register, which would provide opportunity for public comment. BHEC met 06/10/10 and approved a Notice of Proposed Regulation to be published in the South Carolina State Register. SCDHEC held a staff informational forum 07/26/10. SCDHEC held a public hearing, and accepted written comments until 09/09/10.

[Full text of regulation](#)

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Richard Haynes, (803) 896-4070

RADIOACTIVE MATERIAL LICENSE FEES (R. 61-30) SCDHEC has proposed amendments to revise R. 61-30, Section G(5), in order to increase fees associated with Radioactive Material Licenses. SCDHEC is required by statute (Section 13-7-45, S.C. Code) to set fees in an amount needed to fund the Agreement State Program. SCDHEC published the Notice of Drafting 03/26/10, and accepted comments until 04/26/10. BHEC met 06/10/10 to request initial approval to publish a

Notice of Proposed Regulation in the South Carolina State Register, which would provide opportunity for public comment. BHEC met 06/10/10 and approved a Notice of Proposed Regulation to be published in the South Carolina State Register. SCDHEC held a staff informational forum 07/26/10. SCDHEC held a public hearing, and accepted written comments until 09/09/10. Legislative review will be required.

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Aaron Gantt, (803) 896-4070

AIR POLLUTION CONTROL (61-62.1; 61-62.60; 61-62.61; 61-62.63; 61.62.72) SCDHEC has proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan. Amendments to Regulation 61-62.1, "Definitions and General Requirements" would incorporate amendments to the definition of VOCs promulgated by the EPA on 01/12/09. SCDHEC also proposed amendments to Regulations 61-62.60, "South Carolina Designated Facility Plan and New Source Performance Standards;" 61-62.61 "National Emission Standards for Hazardous Air Pollutants;" 61-62.63 "National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories;" and 61.62.72 "Acid Rain" to incorporate by reference recent federal amendments promulgated from 01/01/09 through 12/31/09. SCDHEC published the Notice of Drafting 02/26/10, and accepted comments through 03/29/10. The BHEC met 06/10/10 to request initial approval to publish a Notice of Proposed Regulation in the South Carolina State Register, which would provide opportunity for public comment. If BHEC approves, SCDHEC will publish the Notice of Proposed Regulation in the 06/25/10 Register, will hold a staff informational forum 07/26/10, and will schedule a public hearing before BHEC to be held 11/10/10. SCDHEC published the Notice of Drafting 02/26/10, accepted comments through 03/29/10, and held a staff informational forum 07/26/10. SCDHEC will hold a public hearing on the amendments, and accept comments until 11/10/10.

[Full text of regulation](#)

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Alan Hancock, (803) 898-3432

AIR POLLUTION AND ASBESTOS (R.61-62.1; R. 61-62.5, STANDARD 1; R. 61-62.5, STANDARD 2; R.61-62.5, STANDARD NO. 4; R. 61-62.5, STANDARD 6; REGULATION 61-86.1) SCDHEC has proposed amendments to R.61-62.1 "Definitions and General Requirements" to update and correct definitions and permit requirements; R. 61-62.5, Standard 1 "Emissions From Fuel Burning Operations" to exclude the requirement for natural gas fired units to maintain a log of periods of startup and shutdown; R. 61-62.5, Standard 2 "Ambient Air Quality Standards" to remove the standard for Total Suspended Particle (TSP) and update exceedance limitation for the CO standard; R.61-62.5, Standard No. 4 "Emissions from Process Industries" to modify the regulatory strategy for cotton gins; and clarify the definition for major source threshold throughout 61-62. SCDHEC also proposes to delete R. 61-62.5, Standard 6 "Alternative Emission Limitation Options ("Bubble"). SCDHEC has also proposed amendments to Regulation 61-86.1 "Standards of Performance for Asbestos Projects" to revise Section XX.A.4 and add Section XX.J.3 to change the required frequency of building inspections for industrial manufacturing and electrical generating facilities from three to five years. SCDHEC published notice of the proposed amendments 02/26/10, and accepted comments through 03/29/10. BHEC met 06/10/10 to request initial approval to publish a Notice of Proposed Regulation in the South Carolina State Register, which would provide opportunity for public comment. BHEC met 06/10/10 and approved a Notice of Proposed Regulation to be published in the South Carolina State Register. SCDHEC held a staff informational forum, and accepted comments until 07/26/10. SCDHEC will hold a public hearing on the amendments, and accept comments until 10/14/10.

[Full text of regulation](#)

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Andrew Hollis, (803) 898-3432

INDUSTRIAL STORM WATER PERMIT (PERMIT NUMBER SCR000000) SCDHEC is developing a revised industrial storm water general permit. The current permit was scheduled to expire 08/31/08, but will remain in effect until SCDHEC reissues it. The basis for the general permit is the EPA draft industrial storm water general permit, known as the multi-sector general permit, published in the Federal Register 12/01/05. The EPA general permit has not been reissued since 2000. In mid-2009, SCDHEC was in the middle of the stakeholder review, and had received several comments and concerns. SCDHEC accepted comments until 05/02/10, and held a public hearing on the proposed permit 05/11/10. SCDHEC received comments during the public hearing are under review. SCDHEC plans for the permit to be effective 10/01/10.

[Industrial Storm Water Permitting and Compliance Webpage](#)

Contact: Mel Leaphart, (803) 898-4143

SOLID WASTE MANAGEMENT (R.61-107.4) SCDHEC is drafting amendments to its solid waste management rules to update, clarify and amend application, design, operation, monitoring, analytical testing, reporting and closure requirements for composting and grinding of yard trash and land-clearing debris. Distinctions between composting and grinding op-

erations would be clarified, and requirements for temporary short-term grinding sites would be defined. Possible amendments may expand the scope of the regulation and address the composting and grinding of other waste streams and mixed waste streams. Application, design, permitting, operation, monitoring, analytical testing, reporting and closure requirements would be added for these waste streams as appropriate. Storm water and leachate control requirements and procedures for prevention of fires would also be addressed for facilities. The name of the regulation would be changed to reflect the change in scope of the regulation. Pilot/demonstration projects would be addressed, as well as, requirements for the quality of the finished compost product. SCDHEC published a Notice of Drafting 03/26/10, and accepted comments until 04/27/10. SCDHEC is reviewing comments received and working internally on the rules.

[Notice of Drafting](#)

Contact: Jana White, (803) 896-4221

WATER QUALITY (R. 61-68, 61-69) SCDHEC is drafting amendments to specific sections of Regulation 61-68 "Water Classifications and Standards," and Regulation 61-69 "Classified Waters." Section 303(c)(2)(B) of the Federal CWA requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years for the purposes of considering EPA's most recent numeric and narrative criteria, and to comply with recent federal regulatory revisions and recommendations. SCDHEC published a Notice of Drafting 03/26/10. SCDHEC published a second Notice of Drafting 04/23/10, which extended the comment deadline to 05/28/10. SCDHEC is reviewing comments received and working internally on the rule. The BHEC met 06/10/10 to request initial approval to publish a Notice of Proposed Regulation in the South Carolina State Register, which would provide opportunity for public comment. If BHEC approves, SCDHEC will publish the Notice of Proposed Regulation in the 09/25/10 Register.

[Informational Website](#)

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Gina Kirkland, (803) 898-4355

WATER POLLUTION CONTROL (CHAPTER 61; REGULATION 61-9) SCDHEC has proposed amendments to Regulation 61-9 "Water Pollution Control Permits." Proposed amendments adopt Federal CWA rules issued by EPA. EPA adopted regulations related to 316(b) of the CWA (40 CFR 125.80-89) 12/18/01. These phase one regulations address cooling water intakes at new facilities (power companies and manufacturing companies) with cooling water intakes greater than 2 MGD. SCDHEC published the Notice of Drafting 02/26/10, and accepted comments through 03/29/10. BHEC met 06/10/10, and approved a Notice of Proposed Regulation to be published in the South Carolina State Register. SCDHEC accepted written comments on the amendments until 07/30/10. SCDHEC has put this rule on permanent hold since EPA pulled back and reissued effluent limits for construction. It is the SCDHEC understands that the rule will be reissued in 01/2012.

[Full text of regulation](#)

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Jeff deBessonnet, (803) 898-4257

SHORELINE CHANGE INITIATIVE In 2007, SCDHEC began the Shoreline Change Initiative to organize data collection and research, identify new research requirements, and develop policy options for managing non-beachfront and beachfront shorelines. To assist in these efforts, SCDHEC created the Shoreline Change Advisory Committee, which considered the following topics: research and information priorities; beachfront retreat policy; beach renourishment; beachfront erosion control; shoreline planning; sheltered coastlines: erosion and erosion control; and sheltered coastlines: shoreline development. The Advisory Committee issued a [final report](#) in April 2010 that includes general policy options for managing shorelines.

[Shoreline Change Initiative Webpage](#)

Contact: Braxton Davis, (843) 953-0246

GHG TAILORING RULE SCDHEC is discussing amendments that would adopt the federal GHG tailoring rule by reference. SCDHEC intended to submit the required information to EPA by the 08/02/10 deadline. After EPA issues the SIP Call, SCDHEC intends to begin the rulemaking process. The first phase of requirements should be in place by the January 2011 deadline. Contact: Maeve Mason, (803) 898-2230

PHASE 2 OZONE RULE (REGULATION 61-62.5, STANDARD NO. 7; REGULATION 61-62.5, STANDARD NO. 7.1; SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN) Based on the requirements of the federal Phase 2 Ozone Rule (70 FR 71612) and the NSR Particulate Matter (PM) 2.5 Implementation Rule (73 FR 28321), SCDHEC proposes to amend Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, R. 61-62.5, Standard No. 7.1, Nonattainment New Source Review and the SIP to incorporate the provisions of the Phase 2 Ozone Rule and the NSR PM2.5 Implementation Rule. SCDHEC action on this proposal may be delayed until final guidance is provided by EPA. SCDHEC may also propose typographical corrections and clarifications to Regulation 61-62.5, Standard No. 7 and Standard No. 7.1, as nec-

essary. Proposed changes are federally mandated; therefore, General Assembly review is not required. SCDHEC published the Notice of Drafting 07/23/10; written comments were accepted until 08/23/10. SCDHEC will seek initial Board approval in September. If the Board approves, SCDHEC will hold a public hearing in November, and seek final Board approval following the hearing. If the Board approves the regulation, it will become effective upon publication in the SC State Register on 11/26/10. Contact: Alan Hancock, (803) 898-4196

[Proposed Rule Notice](#)

ENVIRONMENTAL PROTECTION FEES (R. 61-30) SCDHEC has proposed a regulation that would increase the Safe Drinking Act Fee schedule so that the Drinking Water Trust Fund will remain solvent in the face of new program requirements and monitoring mandated by the EPA. SCDHEC plans to go to the Board in November for final approval, and if approved, the amendment will be sent to the General Assembly for approval in January 2011.

[Notice of Drafting](#)

Contact: [Douglas Kinard](#)

Tennessee

Legislative Session Convened 01/12/10; Adjourned 06/09/10



Proposed Rules

LIGHT-DUTY MOTOR VEHICLE INSPECTION AND MAINTENANCE (TAC 1200-3-29-.2, -.4) TDEC has proposed to amend Rule .02, Definitions, in Chapter 1200-03-29 Light-Duty Motor Vehicle Inspection and Maintenance by adding definitions for low and medium speed vehicles. Rule .04, Exemption from Motor Vehicle Inspection Requirements, would be amended to exempt low and medium speed vehicles from vehicle testing requirements. These type vehicles are manufactured as non-road vehicles and therefore are not subject to an emissions test. The Air Board did not meet in November 2009, so the rule was presented at the 12/09/09 meeting instead. The Air Board approved the rule, but it will not become effective until the Secretary of State approves it. The rule is not yet final.

[Rulemaking Notice](#)

Contact: [Vicki Lowe](#), (615) 532-6811

UST PROGRAM (TAC 1200-1-15-.1, -.3, -.16) TDEC adopted amendments to Chapter 1200-01-15, "Underground Storage Tank Program." Amendments add definitions to rule 1200-01-15-.01, "Program Scope, Definitions and Proprietary Information," including new definitions for the terms "Class A Operator," "Class B Operator," "Class C Operator," "Facility is operating," "Operator Training," "Retraining" and "UST facility." Amendments add new rule 1200-01-15-.16, "Certified Operator Program," which outlines operator designation requirements, operator training requirements and tank owner responsibilities. TDEC held public hearings 03/31/10, 04/14/10, and 04/21/10. The Petroleum UST Board adopted the amendments 05/26/10. The rulemaking package is under review by the Office of General Counsel and the Attorney General. It will be sent to the Secretary of State before becoming effective. There is no timeline for when the review process will be completed.

[Petroleum Underground Storage Tank Board 05/26/10 meeting agenda](#)

[Notice of Rulemaking Hearing and proposed rules](#)

Contact: [Rhonda Key](#), (615) 532-0972

LEAD-BASED PAINT ABATEMENT (1200-1-18-.1-.6, 0400-13-1.1-.6) This rule promulgates new amendments that would provide procedures and requirements for the accreditation of lead-based paint activities and renovation training programs; outline procedures and requirements for certification of individuals and firms engaged in lead-based paint activities; and work practice standards for performing such activities. It would repeal provisions that are no longer necessary, and stipulate that all lead-based paint activities be performed by certified individuals and firms. Staff completed the OGC review the week of March 29. If all agree, they will send the rule to the Attorney General to be reviewed; and to ensure legislative authorities are in existence and cited properly. After that, it will be logged in with the Secretary of State and will be given an effective date that is 90 days from that of login.

STATE ENERGY PLAN Governor Bredesen (D) issued an EO to establish the Governor's Task Force on Energy Policy in 2008. The EO directed the Task Force to deliver the state energy plan to the Governor by 12/01/08. The Force is considering strategies for expanding the use of alternative fuels and renewable energy sources. The final report on recommendations has not been released. As of 05/14/10, information regarding the final report is pending confirmation of the Governor's Office. An EO for implementing some of the recommendations may accompany the report. Other recommendations may require legislation.

GHGs AND CONSTRUCTION PERMITS (CHAPTER 1200-03-09) TDEC has proposed amendments to Chapter 1200-03-09, "Construction and Operating Permits" in order to include the federal requirements for GHG Regulations, including the Tailoring Rule, into state regulations. EPA adopted the PSD and Title V GHG Tailoring Rule, which tailors the applicability criteria that determine which GHG emission sources become subject to the PSD and title V programs of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or Title V requirements for GHG emissions will apply to sources only if those sources are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. TDEC held a rulemaking hearing and accepted written comments until 09/09/10. TDEC intends to comply with the January 2011 phase one Tailoring Rule implementation deadline.

[Proposed amendments](#)

Contact: Lacey Hardin, (615) 532-0109

Frequently Used Acronyms

ADEM – Alabama Department of Environmental Management	JCARR – Joint Committee on Administrative Regulation Review
AEPI – Army Environmental Policy Institute	LRC – Legislative Research Commission
AKO – Army Knowledge Online	MSDEQ – Mississippi Department of Environmental Quality
AQC – Air Quality Committee	NAAQS – National Ambient Air Quality Standards
ARRS – Administrative Regulation Review Subcommittee	NCDENR – North Carolina Department of Natural Resources
ASHRAE - American Society of Heating, Refrigerating, and Air-Conditioning Engineers	NEPA – National Environmental Policy Act
AST – Aboveground Storage Tank	NESHAPs – National Emission Standards for Hazardous Air Pollutants
ATDSR - Agency for Toxic Substances and Disease Registry	NMFS – National Marine Fisheries Service
BHEC – Board of Health and Environmental Control	NOAA – National Oceanic and Atmospheric Administration
BMP - Best Management Practices	NO ₂ – Nitrous Dioxide
BNR – Board of Natural Resources	NO _x – Nitrogen Oxide
CAA – Clean Air Act	NASA – National Aeronautic and Space Administration
CAIR – Clean Air Interstate Rule	NPDES – National Pollutant Discharge Elimination System
CEQ – Council on Environmental Quality	OSD – Office of the Secretary of Defense
CO - Carbon Monoxide	OREGA-S– Office of Regional Environmental and Governmental Affairs—Southern
CO ₂ – Carbon Dioxide	PM2.5 – Fine Particulate Matter
CWA – Clean Water Act	PM10 — Coarse Particulate Matter
CZMA – Coastal Zone Management Act	PROSPECT - Proponent-Sponsored Engineer Corps Training
DLA – Defense Logistics Agency	PSD – Prevention of Significant Deterioration
DOE – Department of Energy	RRC – Rules Review Commission
DoD – Department of Defense	SCDHEC – South Carolina Department of Health and Control
DOI – Department of Interior	SDWA – Safe Drinking Water Act
EIS – Environmental Impact Statement	SIP – State Implementation Plan
EO – Executive Order	SOC – Statement of Consideration
EMC – Environmental Management Commission	SO ₂ - Sulfur Dioxide
EPA – Environmental Protection Agency	SFWMD—Southwest FL Water Management District
EPCRA – Emergency Planning and Community Right-to-Know Act	TAC – Technical Advisory Committee
ERC – Environmental Regulation Commission	TDEC – Tennessee Department of Environment and Conservation
ESA – Endangered Species Act	UECA – Uniform Environmental Covenants Act
FAW – Florida Administrative Weekly	USACE – United States Army Corps of Engineers
FDA – Food and Drug Administration	USDA – United States Department of Agriculture
FLDEP – Florida Department of Environmental Protection	USFWS – United States Fish and Wildlife Service
GADNR – Georgia Department of Natural Resources	UST – Underground Storage Tank
GAEPD – Georgia Environmental Protection Division	VOC – Volatile Organic Compound
GAO – Government Accountability Office	µg/m ³ —Micrograms per Meter Cubed
GC – Groundwater Committee	
GHG – Greenhouse Gas	
HAP - Hazardous Air Pollutant	
INRMP - Integrated Natural Resources Management Plan	
KDEP – Kentucky Department of Environmental Protection	
KEEC - Kentucky Energy and Environment Cabinet	